



**US Army Corps
of Engineers**
Louisville District®

Public Notice

Public Notice No.
LRL-2014-408-teh

Date:
Dec 25 2017

Closing Date:
Jan 24 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Todd Hagman, CELRL-RDE, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6683

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: TBD, LLC
4206 Charlestown Road
New Albany, Indiana 47150

AGENT: Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

LOCATION: Streams, wetlands and open waters within a 190-acre parcel southwest of the intersection of Grant Line Road and Dug Knob Road in New Albany, Floyd County, Indiana

Latitude: 38.39741
Longitude -85.81411
7.5 Minute Quad: Speed, Indiana

PURPOSE: Residential development.

DESCRIPTION OF WORK: The applicant is applying for an after-the-fact permit to construct a residential development consisting of the installation of utilities and roadways, and grading home lots. The proposed project would impact approximately 970 linear feet of one (1) intermittent stream channel, 3,102 linear feet of ten (10) ephemeral streams, 0.21 acre of four (4) emergent wetlands and 0.33 acre of two (2) open water ponds. The applicant has impacted 330 linear feet of the intermittent stream through bank stabilization and the removal of an old culvert. In addition, 0.035 acre of Wetland 5 and 0.31 acre of Open Water Pond 4 have been filled.

Table 1 Proposed Wetland Impacts

Water ID	Type	Impact/Activity	Impacts in Acres
Wet 1	Emergent	Fill	0.044
Wet 2	Emergent	Fill	0.056

Wet 3	Emergent	Fill	0.071
Wet 5	Emergent	Fill	0.035
		Total	0.21

Table 2: Proposed Stream Impacts

Water ID	Type	Impact/Activity	Impacts in Linear Feet	Impacts in Acres
Int 1	Intermittent	Bank Stabilization/Fill	970	
Eph 1	Ephemeral	Fill	480	0.003
Eph 2	Ephemeral	Fill	363	0.001
Eph 3	Ephemeral	Fill	530	0.01
Eph 6	Ephemeral	Fill	100	0.001
Eph 27	Ephemeral	Fill	640	0.03
Eph 36	Ephemeral	Fill	235	0.01
Eph 37	Ephemeral	Fill	505	0.02
Eph 38	Ephemeral	Fill	60	0.001
Eph 39	Ephemeral	Fill	59	0.001
Eph A	Ephemeral	Fill	130	0.002
		Total	4,072	

Table 3 Proposed Open Water Impacts

Water ID	Type	Impact/Activity	Impacts in Acres
OW1	Open Water	Fill	0.018
OW4	Open Water	Fill	0.307
		Total	0.33

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant considered design alternatives within the project area to reduce impacts. Various on-site design options were evaluated to determine how best to accommodate the development, while preserving waters/wetlands to the maximum extent practicable. The applicant has stated that the scattered distribution of streams across the site has made it impossible to avoid all jurisdictional impacts. Lots were situated such that roads would be constructed along the higher ridges between areas of waters. Wherever possible, backs of lots would be situated along waters to minimize impacts. Stream crossings to the rear of the property were minimized by the creation of longer cul-de-sacs rather than a grid pattern of streets. Road crossings to access rear portions of the property would be located perpendicular to streams to reduce impacts. Roadways were planned to avoid wetlands onsite.

The applicant proposes to provide compensation for the unavoidable impacts to streams and wetlands associated with this project through the development of on-site permittee responsible mitigation. Stream mitigation would consist of the creation of riparian buffers along 2,836 linear feet three ephemeral streams (respectively) and 2,685 linear feet of five portions of Intermittent Stream 1 totaling 4.66 acres. On-site wetland mitigation would consist of 0.5 acre of wetland

restoration. All mitigation areas would be permanently protected through recordation of a deed restriction.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice

or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the national Historic Preservation Act of 1966 – Public Law 89-665 as amended (including Public law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values,

fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Todd Hagman, CELRL-RDE at the address noted above and should refer to the Public Notice Number LRL-2014-408-teh.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2014-408-teh.

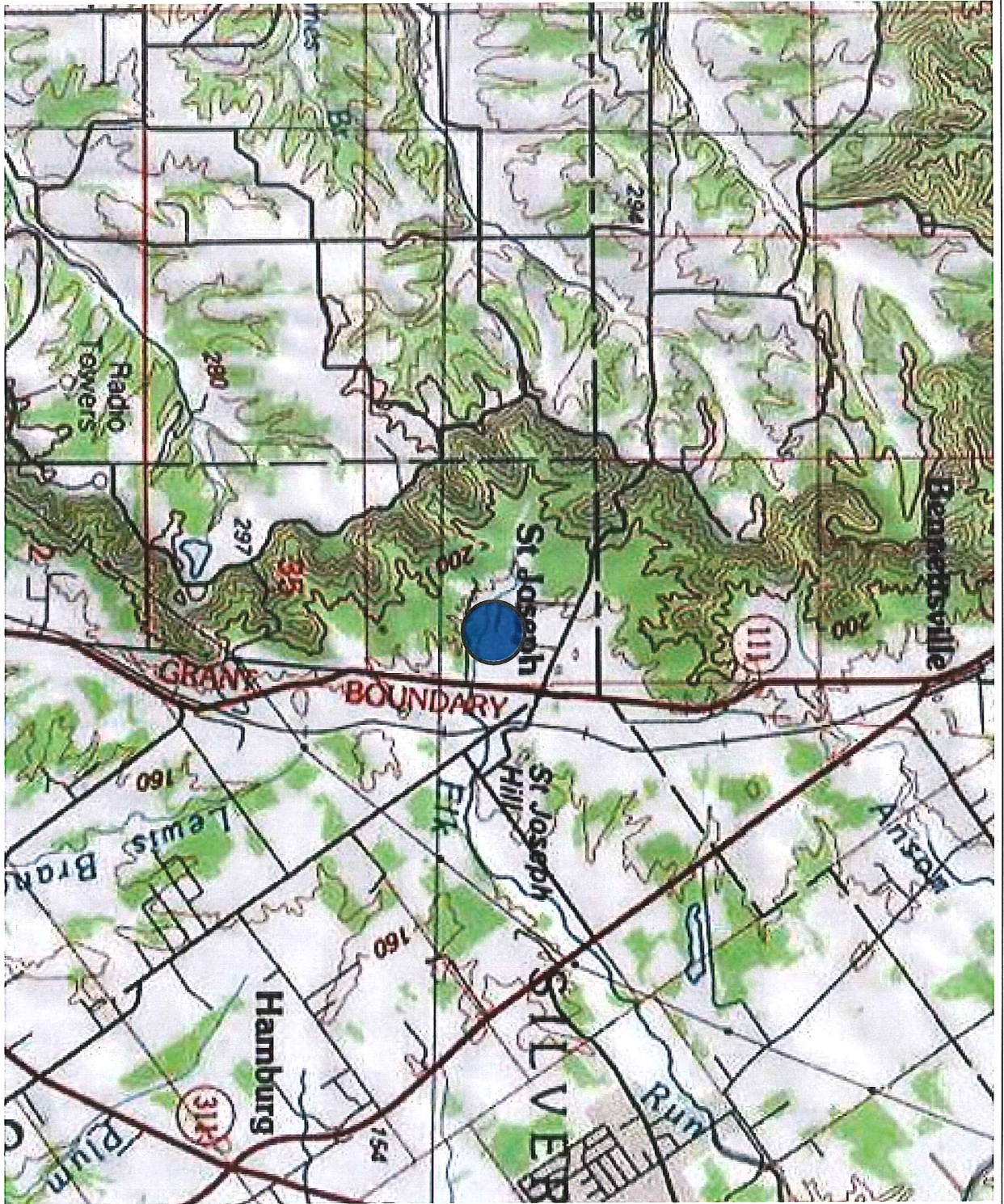
Example:

Subject: LRL-2014-408-teh

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



LRL-2014-408 Glenwood Farms Location Map

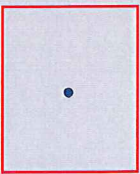


38.39741 -85.81411
USGS 1:24K Quad: Speed

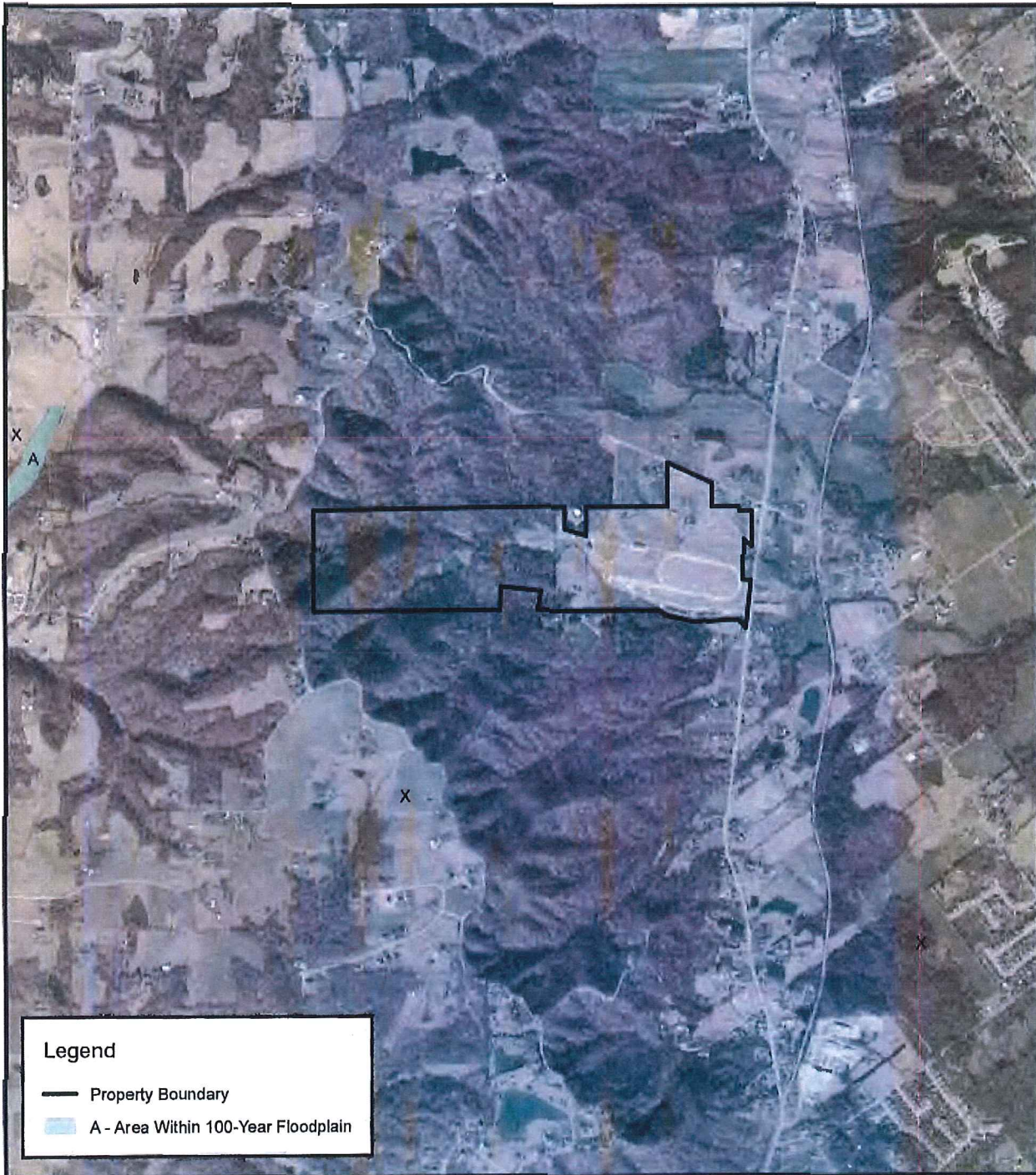
0 500 1000 1500m

Date Printed: 12.13.2017

Map Scale: 1:54168



Source: Imagery_Basemap courtesy of <http://gis.ults.iu.edu/ArcGIS/rest/services>. FEMA DFIRM Flood Data, Floyd County, Indiana (2010).



Legend

— Property Boundary

A - Area Within 100-Year Floodplain

0 2,000 4,000 6,000 8,000 Feet



GLENWOOD FARMS
FLOYD COUNTY, INDIANA



LRL-2014-408
Property Boundary
2 of 4

REVISED DATE: 08-28-14 DRAWN BY: BGC

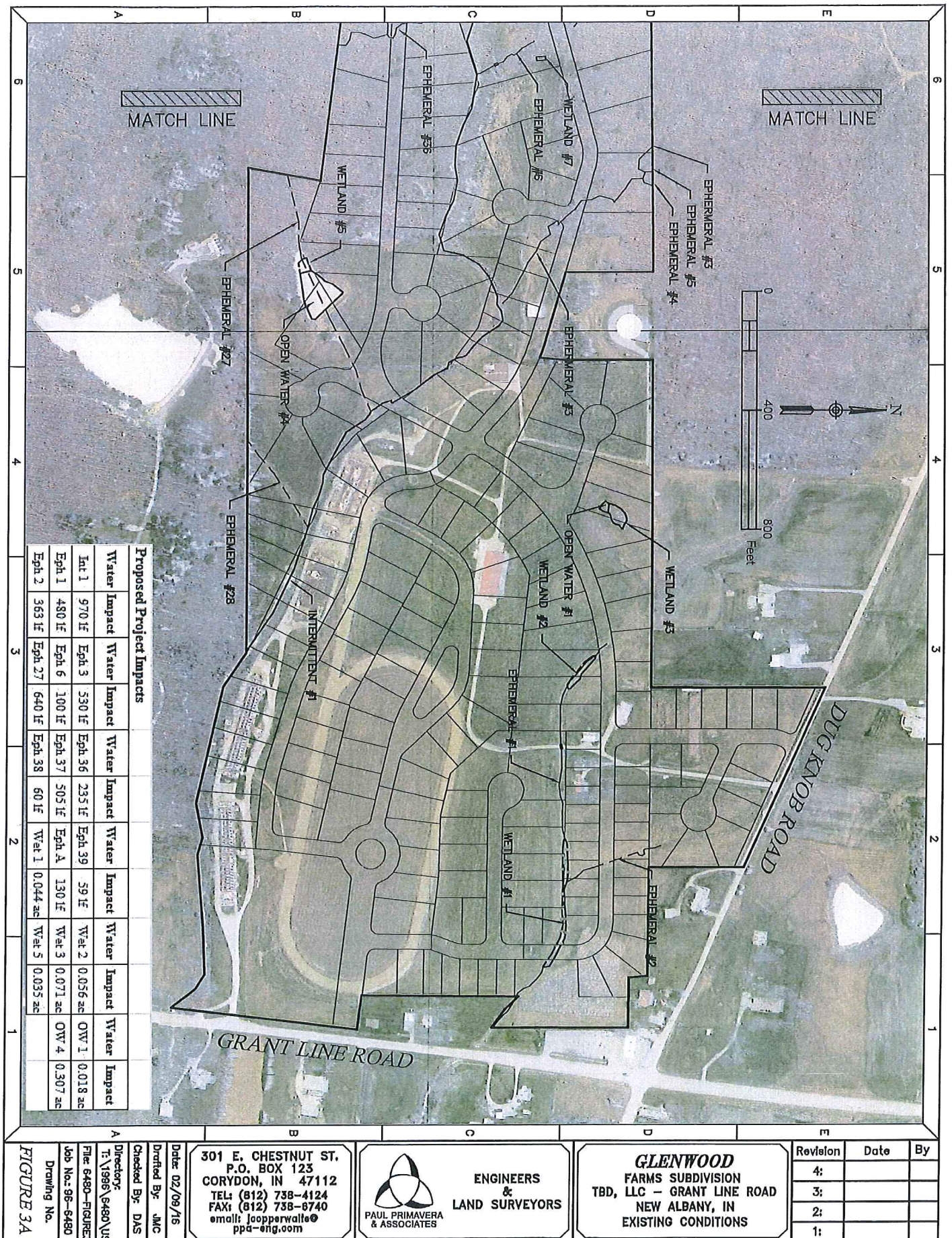


FIGURE 3A

301 E. CHESTNUT ST.
P.O. BOX 123
CORYDON, IN 47112
TEL: (812) 738-4124
FAX: (812) 738-8740
email: joopperwalte@
ppa-eng.com



ENGINEERS
&
LAND SURVEYORS

GLENWOOD
FARMS SUBDIVISION
TBD, LLC - GRANT LINE ROAD
NEW ALBANY, IN
EXISTING CONDITIONS

Revision	Date	By
4:		
3:		
2:		
1:		

